

PROVIDING FOR CONSIDERATION OF H.R. 5122, NA-  
TIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL  
YEAR 2007

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MAY 9, 2006.—Referred to the House Calendar and ordered to be printed

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Mr. COLE of Oklahoma, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 806]

The Committee on Rules, having had under consideration House Resolution 806, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Armed Services.

The rule makes in order only those amendments printed in this report. The rule provides that the amendments printed in this report may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against those amendments printed in this report.

Finally, the rule provides that, after disposition of the amendments printed in this report, the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except by a subsequent order of the House.

#### EXPLANATION OF WAIVERS

The rule waives all points of order against the bill, against consideration of the bill, and against the Committee on Armed Services' amendment in the nature of a substitute. The Committee anticipates that the waiver includes: a waiver of clause 3(e) of Rule XIII, requiring the inclusion of a comparative print of any part of the bill or joint resolution proposing to amend the statute and of the statute or part thereof proposed to be amended; a waiver of section 303 of the Congressional Budget Act, prohibiting consideration of legislation, as reported, providing new budget authority, change in revenues, change in public debt, new entitlement authority, or new credit authority for a fiscal year until the budget resolution for that year has been agreed to; and a waiver of clause 4(a) of rule XIII (requiring a three-day layover of the committee report).

The Committee is not aware of any points of order that lay against the amendments made in order in this report. The waiver of all points of order against consideration of the amendments is prophylactic in nature.

#### SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Hunter (CA): Manager's Amendment. Adds a section to add \$4M for Call for Fire Trainer/Joint fires and Effects Trainer with an offset of \$4M from Joint Tactical Radio System. Adds a section to add \$6M to the Air Force Science Engineering Lab Data Integration with and offset of \$6M from Information and Communications Technology PE 062301E. Adds an exception for the Non-Line of Sight Cannon System from the requirement in section 346 subsection (c). Adds a section requiring the Secretary of Defense to submit a report on means to improve retention of members of the special operations forces. Strikes and replaces Section 662 requiring the Secretary of Defense to conduct a pilot project for disabled persons accessible golf carts at military golf courses. Incorporates a technical correction to the TRICARE effective dates in section 704 and 709 of the bill. Adds section conveying Army Reserve Center land in Allison Park, PA, to the local school district. Strikes sections 2853, 2854, 2855. (10 minutes)

2. Andrews (NJ): Requires the Secretary of Defense to perform an epidemiological study to determine whether any human populations have been affected by military munitions ocean disposal sites. (10 minutes)

3. Davis (CA)/Harman (CA)/Sanchez, Loretta (CA): Lifts the current ban on privately funded abortions at U.S. military facilities overseas. (20 minutes)

4. Jackson-Lee (TX): Clarifies the factors that must be taken into consideration when recalling a reservist to service to include the frequency of assignment over the duration of a reservist's career. (10 minutes)

5. Tanner (TN): Expresses a Sense of Congress that the Army should continue to evaluate and consider the potential benefits of

converting to six-month deployments for members of the Army, Army National Guard, and Army Reserves in connection with service in Iraq and Afghanistan, including potential impacts on the reduced deployment periods on soldier morale, recruiting and retention, readiness, and military operations. Requires the Secretary of the Army to submit a report to Congress containing: (1) The results of any studies conducted on soldiers and families regarding reduced deployment periods in Iraq and Afghanistan; (2) The Army's potential plans for the implementation of such reduced deployment periods; and (3) A discussion of the potential benefits and drawbacks associated with implementation of such reduced deployment times. (10 minutes)

6. Franks (AZ): Makes certain findings concerning humanitarian support for Iraqi children in urgent need of medical care. Authorizes, within the amount provided in section 301 for Operation and Maintenance, \$1 million for DoD support of the Peace Through Health Care Initiative, and reduces by \$1 million the amount provided for Budget Activity 4. (10 minutes)

7. Simmons (CT)/Davis, Tom (VA): Prevents DoD from revoking expired security clearances from defense contractors until an investigation moratorium and backlog is eliminated. Does not change the security clearance investigation process or prevent the department from revoking security clearances for national security purposes. (10 minutes)

8. Gutknecht (MN)/Kline (MN)/Peterson (MN)/Ramstad (MN)/Oberstar (MN)/McCollum (MN)/Kennedy (MN)/Sabo (MN): Sense of Congress that the Secretary of the Army should promptly correct the pay inequity in its assignment incentive pay system. Depending on method of call to active duty, some Guardsmen and Reservists serving in the same unit in Iraq and Afghanistan will be eligible for assignment incentive pay (\$1,000 extra per month) after reaching 730 days on active duty, while others will not. The Army must submit to Congress within 30 days after enactment a report specifying how many soldiers, both active and reserve, were affected by this pay disparity and proposed remedies or courses of action to correct the inequity. (10 minutes)

#### TEXT OF AMENDMENTS MADE IN ORDER

#### 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title I (page 22, after line 21), insert the following new section:

#### **SEC. 115. FUNDING FOR CALL FOR FIRE TRAINER/JOINT FIRES AND EFFECTS TRAINER SYSTEM.**

(a) **IN GENERAL.**—The amount provided in section 101(5) for Other Procurement, Army, is hereby increased by \$4,000,000, to be available for a Call for Fire Trainer II/Joint Fires and Effects Trainer System (JFETS) under Line 161 Training Devices, Non-system (NA0100).

(b) **OFFSET.**—The amount provided in section 201(1) for Research, Development, Test, and Evaluation, Army, is hereby reduced by \$4,000,000, to be derived from the Joint Tactical Radio System account (Program Element 0604280A).

At the end of title I (page 40, after line 23), insert the following new section:

**SEC. 1. AIR FORCE PROGRAM.**

(a) **SCIENCE ENGINEERING LAB DATA INTEGRATION.**—The amount provided in section 103 for Other Procurement, Air Force, is hereby increased by \$6,000,000, to be available for Science Engineering Lab Data Integration (SELDI) at the Ogden Air Logistics Center, Utah.

(b) **OFFSET.**—The amount provided in section 201(4) for Research, Development, Test, and Evaluation, Defense-wide, is hereby reduced by \$6,000,000, to be derived from Information and Communications Technology (Program Element 0602301E).

At the end of section 346 (page 98, after line 11) insert the following new subsection:

(e) **EXCEPTION FOR NON-LINE-OF-SIGHT CANNON SYSTEM.**—This section does not apply with respect to the obligation of funds for systems development and demonstration of the non-line-of-sight cannon system.

At the end of subtitle D of title VI (page 229, after line 16), insert the following new section:

**SEC. 6xx. STUDY ON RETENTION OF MEMBERS OF THE ARMED FORCES WITHIN SPECIAL OPERATIONS COMMAND.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on means to improve retention of members of the Armed Forces who have a special operations forces designation. The report shall include the following:

(1) The effect on retention of such members if special pays were included in the computation of retired pay for those members with a minimum of 48 months of Hostile Fire Pay (consecutive or nonconsecutive) at the time of retirement.

(2) Information on the cost of training of members of the Armed Forces who have a special operations forces designation, with such information displayed separately for each such designation and shown as aggregate costs of training for such members at the 4-year, 8-year, 12-year, 16-year, and 20-year points of service.

(3) A statement, in the case of members of the Armed Forces with a special operations forces designation who have been deployed at least twice, of the average amount spent on special operations unique training, both predeployment and during deployment.

(4) For each component of the United States Special Operations Command, an estimate of when the assigned strength of that component will be not less than 90 percent of the authorized strength of that component, taking into account anticipated growth that is mentioned in the most recent Quadrennial Defense Review.

(5) The average amount of time a member of the Armed Forces with a special operations forces designation is deployed to areas that warrant Hostile Fire Pay.

(6) The percentage of members of the Armed Forces with a special operations forces designation who have accumulated

over 48 months of Hostile Fire Pay and the percentage who have accumulated over 60 months of such pay.

Strike section 662 (page 235, line 20, through page 236, line 18) and insert the following new section:

**SEC. 662. PILOT PROJECT FOR PROVISION OF GOLF CARTS ACCESSIBLE FOR DISABLED PERSONS AT MILITARY GOLF COURSES.**

(a) **PILOT PROJECT REQUIRED.**—The Secretary of Defense shall conduct a pilot project at a significant number of military golf courses, to be selected by the Secretary, for the purpose of developing—

(1) an implementation strategy to make available, as soon as practicable at all military golf courses in the United States, an adequate supply of golf carts that are accessible for disabled persons authorized to use such courses; and

(2) a Department-wide campaign to increase the awareness among such disabled persons of the availability of accessible golf carts and to promote the use of military golf courses by such disabled persons.

(b) **REQUIRED NUMBER OF ACCESSIBLE GOLF CARTS.**— The Secretary shall provide at least two accessible golf carts at each pilot project location.

(c) **PILOT PROJECT LOCATIONS.**—The military golf courses selected to participate in the pilot project shall be geographically dispersed, except that at least one of the military golf courses shall be in the Washington metropolitan area. The Secretary may not select a military golf course to participate in the pilot project if that military golf course already has golf carts that are accessible for disabled persons.

(d) **DEPARTMENT OF DEFENSE HEALTH CARE AWARENESS.**—Military medical treatment facilities shall provide information to patients about the pilot project and the availability of accessible golf carts at military golf courses participating in the pilot project and at other military golf courses that already provide accessible golf carts.

(e) **DURATION.**—The Secretary shall conduct the pilot project for a minimum of one year.

(f) **REPORT REQUIRED.**—Not later than 180 days after the conclusion of the pilot project, the Secretary shall submit a report to Congress containing the results of the project and the recommendations of the Secretary regarding how to make an adequate supply of accessible golf carts available at all military golf courses in the United States.

Page 241, line 6, strike “December 31, 2007” and insert “October 1, 2007”.

Page 249, line 12, strike “Section” and insert “Effective October 1, 2007, section”.

Page 249, line 14, strike “The” and insert “Effective October 1, 2007, the”.

At the end of subtitle D of title XXVIII (page 504, after line 7), insert the following new section:

**SEC. 28. LAND CONVEYANCE, NORTH HILLS ARMY RESERVE CENTER, ALLISON PARK, PENNSYLVANIA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the North Allegheny School District (in this section re-

ferred to as the “School District”) all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 11.15 acres and containing the North Hills Army Reserve Center in Allison Park, Pennsylvania, for the purpose of permitting the School District to use the property for educational and recreational purposes and for parking facilities related thereto.

(b) CONSIDERATION.—The Secretary may waive any requirement for consideration in connection with the conveyance under subsection (a) if the Secretary determines that, were the conveyance of the property to be made under subchapter III of chapter 5 of title 40, United States Code, for the same purpose specified in subsection (a), the conveyance could be made without consideration.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the School District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the School District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the School District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Strike sections 2853, 2854, and 2855 (page 506, line 1, through page 510, line 16).

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ANDREWS OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 312, insert after subsection (d) (page 63, after line 9) the following new subsection (e) (and redesignate existing subsection (e) as subsection (f)):

(e) EPIDEMIOLOGICAL STUDY ON HUMAN POPULATIONS.—The Secretary shall conduct an epidemiological study on human populations in the vicinity of military munitions disposal sites within covered United States ocean waters for the purpose of determining whether people have been affected by the presence of military munitions in these waters. The Secretary shall include the results of the study in the report referred to in subsection (a)(4).

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 20 MINUTES

Add at the end of title VII the following new section:

**SEC. 7. . LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.**

Section 1093(b) of title 10, United States Code, is amended by inserting “in the United States” after “Defense”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON-LEE OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 117, after line 6, add the following new subparagraph (B) (and redesignate existing subparagraphs (B) and (C) accordingly):  
 “(B) the frequency of assignments during service career;”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TANNER OF TENNESSEE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title V (page 131, after line 20), add the following new section:

**SEC. 534. REPORT ON USING SIX-MONTH DEPLOYMENTS FOR OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Army should continue to further evaluate and consider—

(1) the potential benefits of converting to six-month overseas deployments for members of the Army, including members of the Army National Guard and the Army Reserve, in connection with Operation Enduring Freedom and Operation Iraqi Freedom; and

(2) the potential impacts of such reduced deployment periods on morale, recruiting, retention, readiness, and the conduct of military operations.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report containing—

(1) the results of any surveys conducted with soldiers and their dependents by the Department of the Army regarding the

proposal to reduce deployment times for members of the Army in connection with Operation Enduring Freedom and Operation Iraqi Freedom to a maximum of six months;

(2) potential plans for the Department to implement such reduced deployment times;

(3) a discussion of potential benefits associated with implementation of such reduced deployment times, such as improved members and family morale and increased recruiting and retention; and

(4) a discussion of potential drawbacks associated with implementation of such reduced deployment times, such as impacts on readiness, the conduct of operations, and forecasted additional costs.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FRANKS OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 419, after line 7), insert the following new section:

**SEC. 12 . HUMANITARIAN SUPPORT FOR IRAQI CHILDREN IN URGENT NEED OF MEDICAL CARE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of Defense has discretionary authority to permit space-available travel on military aircraft for various reasons, including humanitarian purposes.

(2) Recently, 110 Iraqi children journeyed 22 hours by bus from Baghdad, Iraq, to Amman, Jordan, for urgently needed oral/facial surgery. While traveling, armed insurgents stopped and boarded the children's bus, raising serious questions about the safety of further travel by ground.

(3) Pursuant to the Secretary's discretionary authority referred to in paragraph (1), the Secretary authorized the Iraqi children to travel on military aircraft for their return trip from Amman to Baghdad.

(4) The Secretary is to be commended for his initiative in providing for the safe return of these children to Iraq by military aircraft.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should continue to provide space-available travel on military aircraft for humanitarian reasons to Iraqi children who would otherwise have no means available to seek urgently needed medical care such as that provided by a humanitarian organization in Amman, Jordan.

(c) FUNDING SUPPORT.—Within the amount provided in section 301 for Operation and Maintenance, Defense-wide—

(1) \$1,000,000 shall be available only for Department of Defense support of the Peace Through Health Care Initiative; and

(2) the amount provided for Budget Activity 4 is reduced by \$1,000,000.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SIMMONS OF CONNECTICUT, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 393, after line 23), insert the following new section:

**SEC. 10 . AUTHORIZATION TO EXPIRE CLEARANCES REVOKED.**

(a) PROHIBITION ON EXPIRED CLEARANCES.—No security clearance granted by the Department of Defense that has been requested to be renewed, based on a requirement for periodic reinvestigation, shall be permitted to expire until the Secretary of Defense certifies to the congressional defense committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives that—

(1) the Defense Security Service has continued to accept industry requests for new personnel security clearances and periodic reinvestigations; and

(2) the Defense Security Service has fully funded its requirement for fiscal year 2007 security clearances and taken steps to eliminate its backlog of requests for security clearance and periodic investigations by September 20, 2008.

(b) EXCEPTION TO PROHIBITION.—The prohibition in subsection (a) shall not apply if the Secretary of Defense determines that sufficient cause exists to revoke a security clearance, that has been requested to be renewed, based on other requirements of law or Department of Defense policy or regulations.

(c) DURATION OF PROHIBITION.—The prohibition on expired clearances authorized by this section expires on September 30, 2008.

(d) RULE OF CONSTRUCTION.—Nothing in this section alters the process in effect as of the date of the enactment of this Act for security clearances and periodic investigations.

(e) DEFINITION.—In this section, the term “backlog” means the body of industry requests for new personnel security clearances and periodic reinvestigations that have not yet been completed or that have not yet been opened for investigation.

(f) REPORTS.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report detailing the actions required by subsection (a)(2) no later than September 30, 2007. A final report shall be submitted no later than September 30, 2008.

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUTKNECHT OF MINNESOTA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title VI (page 220, after line 8), add the following new section:

**SEC. 624. ELIMINATION OF INEQUITY IN ELIGIBILITY AND PROVISION OF ASSIGNMENT INCENTIVE PAY.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Army should promptly correct the pay inequity in the provision of assignment incentive pay under section 307a of title 37, United States Code, to members of the Army National

Guard and the Army Reserve serving on active duty in Afghanistan and Iraq that arose from the disparate treatment between—

(1) those members who previously served under a call or order to active duty under section 12302 of title 10, United States Code, and who are eligible for assignment incentive pay; and

(2) those members who previously served under a call or order to active duty under section 12304 of such title and who are currently ineligible for assignment incentive pay.

(b) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report—

(1) specifying the number of members of the Army National Guard and the Army Reserve adversely affected by the disparate treatment afforded to members who previously served under a call or order to active duty under section 12304 of title 10, United States Code, in determining eligibility for assignment incentive pay; and

(2) containing proposed remedies or courses of action to correct this inequity, including allowing time served during a call or order to active duty under such section 12304 to count toward the time needed to qualify for assignment incentive pay.